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09/981,688	10/17/2001	Erkki Tanskanen	004770.00566 (NC28056)	6692

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/981,688

Applicant(s)

TANSKANEN ET AL.

Examiner

X. L. Bautista

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6 and 9-46 is/are pending in the application.
- 4a) Of the above claim(s) 45 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6 and 9-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 45 and 46 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action, mailed 08 January 2007, is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments, see amendment, filed March 21, 2007, with respect to the rejection(s) of claim(s) 1, 14, 19, 28, 30, 31, 36, 41 and 43 under 35 U.S.C. 103(a) and the Molnick reference, have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Odom/Kikinis/Walker and Gerszberg.

3. Applicant's arguments, with respect to claims 1-4, 6 and 9-44, filed March 21, 2007 have been fully considered but they are not persuasive.

Applicant argues (page 13, lines 1-8), with respect to claims 14-23 and 30, "...the Office Action does not assert, and Kikinis fails to disclose, the claimed subject matter of automatically recognizing transmission and reception capabilities of a client. In contrast, Kikinis teaches that either the user must identify the type and functionality of the client device, which is matched to the user's log-in ID, or the 'user's device transfers the list of available features to the enhanced server.'

Kikinis, page 9, paragraph 108, lines 7-8. In other words, Kikinis teaches that the user pre-identifies the functionality of the client device, which is tied to his log-in ID, or the user's device must identify its functionality to the enhanced server of Kikinis."

In response, Kikinis discloses a method for providing data from data sources to end-users with the data tailored to the needs of the end user (p. 1, par. 0002). Kikinis' teaches that functionality of digital network-connected devices such as computers and dependent devices such as computerized appliances may be maintained and significantly enhanced while greatly reducing the aggregate traffic between data sources and the dependent computers and appliances (p. 1, par. 0012). Kikinis teaches that the invention has a software template provided for use in translating Web data to a reduced-data form to be transmitted to a client device from a Web server; the template has one or more parameters derived from characteristics of the client device; and control routines adapted for applying the parameters in translating data from a Web page for transmission to the client device. Kikinis explains that the template may further have parameters derived from characteristics of a Web page and customer preferences; and parameters derived from characteristics of a display used by the client device (p. 2, par. 0014-0015). The objective of the invention is to enhance access and transmission of data from remote sources and providing the data to client devices, by reducing content

and maximizing data transfer efficiency. Kikinis explains that content can be reduced before transmission to the device by consulting parameters based on characteristics of the client device (p. 2, par. 0018-0020). Kikinis teaches that when a client connects to a Proxy-Server, information about the subscriber and the subscriber's equipment is provided to the Proxy-Server. Log-on and security transactions are needed when selective access is provided (p. 5, par. 0061). Kikinis teaches that the Proxy-Server processes data requested to be transmitted to a specific device according to pre-stored characteristics of the user's device, for example, graphics are processed to provide specific resolution and size according to the specific user's display; also only multimedia extensions supported by the user's device are used, and each communication with the user's device is done tailored to the needs of each user, so that the user can function with a minimum hardware/software device that may be energy efficient providing long life between battery charges (p. 8, par. 0104). Kikinis explains that in cases when there is no proxy server, but a server capable of conventional HTTP or HTTPS, communication is enhanced to provide an alternative Simplified File Hyper Text Protocol (SFHTTP) capability, and this server may then communicate over the Internet with a hand-held computer in a manner to significantly enhance communication speed and efficiency. An SFHTTP subscriber's minimally capable device may interact with a conventional server at a greatly reduced speed and with minimum features (p. 8-p.

9, par. 0107). When a request is found to be a SFHTTP request, the type and functionality of the user's device is established by matching an ID provided in the request with a list of functionality and characteristics previously provided by the user (preferences) and stored at the server (p. 9, par. 0108). Kikinis explains that the server creates the best fit in multimedia content for the requested data according to user's device capabilities and characteristics, wherein the system determines if a best is available and if not a best fit is generated, and then a graphic is created having the size and resolution of the requesting user's display (p. 9, par. 0109). Kikinis teaches that the requested information is processed according to the best multimedia fit for the user's device, and then the information transmitted to the user is attuned exactly to the user's needs (p. 9, par. 0110). Kikinis explains that the invention greatly benefits client devices provided for specific uses, which incorporate computer elements and an ability to communicate with remote data sources to deliver data from remote sources in a form adapted to characteristics of the end-using device (p. 9, par. 0114-0115). Kikinis discloses that a client device can design a template and upload the result to a server; and that Web pages may also offer downloadable templates for the most common kinds of client devices deployed for communication over the Intranet (p. 14, par. 0179, 0183; p. 15, par. 0183). In short, Kikinis teaches a template having different information about a client device; the template information being used to process content to be sent to

the user that better fits the device's capabilities and the user's needs.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4, 6 and 9-44, drawn to a system receiving real-time interactive content, the system having a graphical user interface for displaying the interactive content on an interactive services user interface and a response user interface for providing information pertinent to the interactive content; the interactive content and the pertinent information are simultaneously displayed on the graphical user interface, wherein the pertinent information is displayed based on user's preferences and the interactive content is displayed based on the transmission and reception capabilities of the computer device, classified in class 715, subclass 733.
- II. Claims 45-46, drawn to providing communication channels between a server and a client device, retrieving data from multiple sources, checking the data transmission speed for transmitting the data between the server and the client device, and configuring the data according to the transmission speed to ensure adequate display of the transmitted data, classified in class 715, subclass 744.

5. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as providing a communication channel between a server and a client device, checking data transmission speed for transmitting data between the server and the client device and configuring interactive content according to the transmission speed to ensure adequate display of the content. See MPEP § 806.05(d).

6. The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a).

7. Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

8. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

9. Newly submitted claims 45 and 46 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 45 and 46 are drawn to providing communication channels between a server and a client device, retrieving data from multiple sources, checking the data transmission speed for transmitting the data between the server and the client device, and configuring the data according to the transmission speed to ensure adequate display of the transmitted data.

10. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 45 and 46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 6 and 9-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Odom et al* (US 6,058,379), *Kikinis* (US 2002/0049833), *Walker et al* (US 6,110,041) and *Gerszberg et al* (US 6,222,520 B1).

Claims 1, 14, 19, 30 and 43:

Odom discloses a real-time interactive system and method for electronic exchange of goods and services via an electronic network. Odom teaches a bidding mechanism that may be used for sellers and buyers to raise or lower bids and offers (abstract; col. 1, lines 7-10). Odom shows (fig. 1) client server architecture. Odom illustrates (fig. 1) client connected to receive an interactive provider server and respond to signals based on real-time interactive content over a communications channel received from the interactive provider server (col. 3, lines 1-161; col. 4, lines 15-24). Odom teaches an interface page (web page; col. 3, lines 24-34; col. 5, lines 46-57; col. 9, lines 18-29) for providing information pertinent to the real-time interactive content to the client; the page configured to display information according to predetermined criteria (filter, predefined parameters; col. 2, lines 43-46; col. 3, lines 34-39; col. 4, lines 50-52, 66-67; col. 6, lines 32-40; col. 8, lines 66-67;

col. 9, lines 1-8, 39-48; col. 10, lines 37-59; col. 12, lines 54-67; col. 13, lines 1-7).

Odom does not teach that the content is tailored to the transmission and reception capabilities of the client. However, Kikinis discloses a system and methods for providing data from data sources over the Internet to end users, with the data tailored to the needs of the end users (abstract; p. 1, par. 0002). Kikinis teaches a web browsing system that configures data to be transmitted to a client device from a web server. Kikinis explains that a list is created, which has parameters derived from the characteristics of the client, the characteristics of the web page and user's preferences; the parameters (including the user's preferences) are stored as a template at the web server; and that the web data is translated according to the template and transmitted to the client device (p. 2, par. 0013-0015; p. 5, par. 0060-0062). Kikinis teaches that the translation of the web page and its transmission is in accordance to the capabilities of the client device (p. 14, par. 0179-0180, 0183; p. 15, par. 0184-0187). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Kikinis' teaching of tailoring content according to transmission and reception capabilities in Odom's system for network exchange because as Kikinis says, as development of the Internet and other wide area network solutions continues, more and more devices are being provided for specific uses, incorporating computer elements and an ability to communicate with remote data sources; these different

types of client devices being newly adapted to operate as computer peripherals, need new abilities for rapid transfer of applications and data, and a higher bandwidth for receiving/sending data from/to remote sources.

Odom/Kikinis does not teach personalization and user preferences as claimed. However, Walker discloses a method and system for adapting game machines to playing according to user's preferences. Walker explains that the user can choose a preferred configuration of the machine (language, etc.). Walker teaches user's preferences, playing preferences and casino preferences (col. 4, lines 64-67; col. 5, lines 1-60). Walker teaches that the preferences are stored in the server (abstract; col. 2, lines 14-35). Thus, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to further include Walker's teachings in Odom/Kikinis game system because users are provided with an interface having settings that are most familiar to the user.

Odom/Kikinis/Walker does not teach two interfaces, one providing realtime interactive content and the other simultaneously providing information pertinent to the realtime interactive content. However, Gerszberg discloses a screen interface for a communication device, the screen interface having a first display section and a second independently controllable display section; one section displaying interactive content (services), and the other section displaying additional information, such as advertising (col. 2, lines 25-43; col. 6, lines 54-67; col. 9, lines 35-64; col. 10, lines 11-

23; col. 13, lines 42-51), which is selectively filtered according to specific customer user's preferences (col. 6, lines 5-22; col. 10, lines 24-43). Gerszberg teaches that the additional information can be information about the company and/or product being advertised (col. 9, lines 35-64). Therefore, it would have been obvious to include Gerszberg's teaching in Odom/Kikinis/Walker's invention because the user may be provided with real-time information of interest to the user, which may be related or unrelated to the game; the user may receive information about winnings, loses, other games, future games, etc.

Claims 6, 11, 12, 24, 26, 27, 37, 39 and 40:

See claim 1. Odom teaches that the interactive provider server is a betting service, that the client responses comprise bets or betting information, and pertinent information relating to teams upon which the client has made bets (col. 10, lines 36-59; col. 11, lines 10-18; col. 12, lines 4-14, 54-67; col. 13, lines 1-15).

Claim 9:

Odom teaches the interactive provider server is a web server on the Internet (col. 1, lines 53-65; col. 3, lines 24-28; col. 5, lines 46-48; col. 9, lines 18-19).

Claim 10:

Odom teaches content is obtained from a plurality of sources (col. 9, lines 9-17, 49-55; col. 13, lines 43-54).

Claim 13:

Gerszberg teaches a customer profile that is generated at startup; the profile is generated by the user based on an identification of interests and preferences in response to various prompts via screen of the computer device (col. 10, lines 24-43).

Claims 15, 20 and 32:

Odom teaches that users are provided with current information (interactive content is retrieved and updated automatically), which is updated automatically (col. 3, lines 37-46; col. 5, lines 51-57; col. 6, lines 28-58).

Claims 16, 17, 21, 22, 33 and 34:

Odom teaches database 130 (fig. 1; col. 3, lines 5-12; col. 4, lines 37-44).
Odom teaches that bid information processing may include a first level of filtering to determine if the bid meets predefined criteria or rates (col. 3, lines 32-36).

Claims 18, 23 and 35:

See claim 16. Odom teaches interactive information that can be organized and shared among a plurality of users (abstract; col. 1, lines 67; col. 2, lines 1-26) and individual user information (profile) that is generated for respective users (see claim 1, user predefined criteria, preferences).

Claims 25 and 38:

See claim 6. Odom teaches information comprising current information regarding prospective wagers (col. 13, lines 15-42).

Claims 28 and 41:

See claim 1. Odom teaches a client connected to a server, the client receiving real-time interactive content from the server, the content being displayed on an interface page. Walker teaches receiving pertinent information based on the user's preferences. Kikinis teaches a user interface configured to display content according to the transmission and reception capabilities of the client. Gerszberg teaches an intelligent services director (ISD) compatible with multicast broadcast services where multicast information is broadcast; the ISD may provide media such as video clips or movies in real-time (live video feed) for immediate viewing and/or into storage for later viewing (col. 6, lines 4-22).

Claims 29 and 42:

See claim 6. Odom teaches information comprising current information regarding prospective wagers and allowable wagers (meets predefined criteria), (col. 13, lines 15-42).

Claims 31 and 36:

See claim 1. Odom teaches a client connected to a server, the client receiving real-time interactive content from the server, the content being displayed on an interface page. Odom teaches that bids may be broadcast to all participants in the exchange (col. 6, lines 56-58). Walker discloses receiving pertinent information based on the user's preferences. Walker teaches that slot machines can play games

of chance such as video poker or video blackjack, wherein the slot machine comprises a video display area Kikinis teaches a user interface configured to display content according to the transmission and reception capabilities of the client. Gerszberg teaches an intelligent services director (ISD) compatible with multicast broadcast services where multicast information is broadcast; the ISD may provide media such as video clips or movies in real-time (live video feed) for immediate viewing and/or into storage for later viewing (col. 6, lines 4-22).

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Odom/Kikinis/Walker/Gerszberg and Jancke et al* (US 5,764,913).

Claim 2:

Odom/Kikinis/Walker/Gerszberg does not teach that pertinent information is displayed using traffic lights. However, Jancke discloses state icons in the form of traffic lights. The state icons are status indicators used for informing the user about the operational state of nodes connected to the network (abstract; figures 2-4; col. 2, lines 42-59; col. 3, lines 17-46). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Odom/Kikinis/Walker/Gerszberg's interactive display to include traffic light icons to display pertinent information because these icons provide the user with information at-a-glance. The user receives feedback or additional information about a task or a

bet just by displaying specific colors.

14. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Odom/Kikinis/Walker/Gerszberg and Goldberg et al* (US 6,712,702 B2).**

Claim 3:

Odom discloses status/time and start/stop time (col. 3, lines 16-20; col. 5, lines 15-18; col. 6, lines 59-63; col. 8, lines 30-39; col. 9, lines 39-43) but does not teach providing the time left in the betting window. However, Goldberg discloses a method for automating playing games (bets) that can be played by a large number of players (abstract; col. 1, lines 23-29; col. 2, lines 4-12). Goldberg teaches a player information area 296 having two fields provided for displaying playing time information such as "elapsed playing time" and "remaining playing time" (col. 13, lines 53-67; col. 14, lines 1-5). Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Odom's interactive display to include a player information area having playing time information because as Goldberg says, this information is useful to the players when playing in a tournament because the player is able to determine how much time is left and the number of games remaining.

15. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Odom/Kikinis/Walker/Gerszberg* and *Gerace* (US 5,848,396).**

Claim 4:

Odom/Kikinis/Walker/Gerszberg does not teach the visual elements of the interface page can be altered to color preference. However, Gerace discloses a computer network method and apparatus for providing targeting of appropriate audience based on profiles (fig. 3a; 22 col. 3, lines 39-67; col. 4, lines 1-11; col. 5, lines 54-62; col. 7, lines 4-22). Gerace teaches a page configured to display pertinent information according to preferences (col. 5, lines 15-25; col. 6, lines 22-39). Gerace teaches that the system records presentation preferences including color (col. 2, lines 16-23). Gerace teaches that a screen view may be formatted according to user preferences (presentation of details, color), (col. 5, lines 15-24; col. 6, lines 22-34). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to include Gerace's teaching of altering a page to color preference in Odom/Kikinis/Walker/Gerszberg's interface because it enables users to personalize the page according to the user's mood, likes, or dislikes.

16. **Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Odom/Kikinis/Walker/Gerszberg* and *Vuong et al* (US 5,762,552).**

Claim 44:

Odom/Kikinis/Walker/Gerszberg does not teach that the interactive services are rendered via picture-in-picture (PIP) functionality. However, Vuong discloses an interactive gaming system that enables a user to select a game and then in response to the selection the player is presented with a video representation of the possible bets; after the bets are placed, the video representation is adapted to include a broadcast quality feed (abstract; col. 7, lines 66-67; col. 8, lines 1-27). Vuong teaches a video window that may be subdivided using picture-in-picture technology (col. 9, lines 63-67; col. 10, lines 1-9). Therefore, it would have been further obvious to include Vuong's teachings in Odom/Kikinis/Walker/Gerszberg's game interface because as Vuong says, more than one view of the game table or more than one table can be simultaneously provided to the player.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

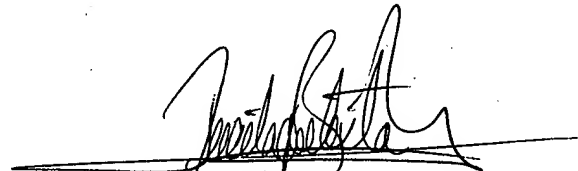
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Tuesday-Friday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



X. L. Bautista
Primary Examiner
Art Unit 2179

xlb
April 3, 2007